

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Camille A Abboud

Plaintiff(s),

vs. *Xcel Energy Inc.*  
*Xcel Energy Services*

Case No. 19cv2914 DSD/BRT  
(To be assigned by Clerk of District Court)

Benjamin G. S. Fowke III  
Marvin E. McDaniel  
Darla Figoli  
Thomas A. Imbler  
Kent T. Larson  
Scott M. Wilensky  
Teresa S. Madden  
Richard C. Kelly  
John (Jack) S. Dybalski  
David M. Sparby  
Judy M. Poferl

DEMAND FOR JURY  
TRIAL

YES X NO    

RECEIVED  
BY MAIL  
NOV 01 2019  
CLERK  
U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

*Xcel's Board of Directors*

Lynn Casey  
Richard K. Davis  
James J. Sheppard  
David A. Westerlund  
Kim Williams  
Timothy V. Wolf  
Daniel Yohannes  
Richard T. O'Brien  
David K. Owens  
Christopher J. Policinski  
James T. Prokopanko  
A. Patricia Sampson

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U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

Defendant(s).

SCANNED  
NOV 15 2019  
U.S. DISTRICT COURT MPLS

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**PARTIES**

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name Camille A Abboud

Street Address 46 CHANDLER DR.

County, City Saint Johns County, Saint Johns

State & Zip Code FLORIDA, 32259

Telephone Number 423.499.9090

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name Benjamin G. S. Fowke III

Street Address 414 Nicollet Mall

County, City Hennepin County, Minneapolis

State & Zip Code MINNESOTA, 55401

b. Defendant No. 2

Name ALL DEFENDANTS HAVE THE SAME ADDRESS

Street Address 414 Nicollet Mall

County, City Hennepin County, Minneapolis

State & Zip Code MINNESOTA, 55401

**JURISDICTION**

The Court has jurisdiction over this action under 28 U.S.C. § 1331.

3. This employment discrimination lawsuit is based on (check only those that apply):

- a. ☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et. seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin. **NOTE:** *In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission (EEOC).*
- b. ☒ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et. seq.*, for employment discrimination on the basis of age (age 40 or older). **NOTE:** *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission (EEOC).*
- c. ☐ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et. seq.*, for employment discrimination on the basis of disability. **NOTE:** *In order to bring suit in federal court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission (EEOC).*
- d. ☐ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et. seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. **NOTE:** *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office (EEO) representative or agency.*
- e. ☒ Other (Please describe.)

***Retaliation, Negligence, Defamation, Slander, Intentional Inflection of***

***Economic & Emotional Distress, Tortious Interference with Prospective***

***Contract.***

4. If you are claiming that the discriminatory conduct occurred at a location other than the defendant's address above, please provide the following information on where the conduct occurred:

N/A			
(Street Address)	(City/County)	(State)	(Zip Code)

5. When did the discrimination occur? Please give the date or time period:

Started July 2013 and continues today, October 2019

#### ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

a. ☒ Yes Date filed: April 22<sup>nd</sup>, 2019

b. ☐ No

7. Have you received a Notice of Right-to-Sue Letter?

a. ☒ Yes If yes, please attach a copy of the letter to this complaint.

b. ☐ No

#### NATURE OF THE CASE

8. The conduct complained of in this law suit involves (check only those that apply):

a. ☐ Failure to hire me

b. ☒ Termination of my employment

c. ☐ Failure to promote me

d. ☐ Failure to accommodate my disability

e. ☐ Terms and conditions of employment differ from those of similar employees

f. ☒ Retaliation

g. ☐ Harassment

h. ☒ Other conduct (please specify): ***Retaliation, Negligence, Defamation,***

***Slander, Intentional Inflection of Economic & Emotional Distress***

***and Tortious Interference with Prospective Contract.***

- i. Did you complain about this same conduct in the charge of discrimination, referred to in number 6 above?

☒ Yes      ☐ No

9. I believe that I was discriminated against because of my (check all that apply):

a. ☒ Race

b. ☒ Religion

c. ☒ National origin

d. ☒ Color

e. ☐ Gender

f. ☐ Disability

g. ☒ Age (my birth year is: **1961**)

h. ☒ Other (please specify): ☐ Whistle blower \_\_\_\_\_

- i. Did you state the same reason(s) in the charge of discrimination, referred to in number 6 above?

☒ Yes      ☐ No

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct (i.e. how, where, and when). Each paragraph must be numbered separately, beginning with number 10. Please write each allegation of discrimination in a separately numbered paragraph.

10. I started working for Northern States Power Co (NSP), a predecessor of Xcel Energy in December 1990, as Camille Abi-Abboud, a multi-degreed mechanical, nuclear engineer and a health physicist. As a permanent resident of the United States, NSP conducted a rigorous background check, aptitude and drug tests to allow me unescorted access to the Monticello Nuclear Plant by the Nuclear Regulatory Commission. In 1993, I become a US Citizen and immediately notified my employer NSP. During my tenure at NSP, 1990-2000, I was employed as a Senior Engineer at the Monticello and Prairie Island Nuclear Plants and as the Manager of the Nuclear Fuels Group. At the time, in addition to my 4 college degrees, 2 of which were Masters' degrees, I attained 4 national certifications and served as Chairman and Member of various nuclear and industry committees and boards. In July 2000, with the merger of NSP and New Century Energies (NCE) of Colorado that created Xcel Energy, I became an employee of Xcel Energy Services as the Director of Risk Services in Denver CO until my dismissal in January 2013 for raising serious safety and fraud concerns, against the ratepayers, to Xcel's management. During my tenure with Xcel Energy in Denver, I earned another Masters' Degree in Business Administration (2005) and 2 more national certifications (2003 & 2006). Soon after the attacks of September 11, 2001, I legally changed my name to Camille A Abboud and immediately notified my employer of the change. For over 22 years at NSP & Xcel, I became very proficient in all aspects of the electric & gas utility sphere, earning me, along with my degrees and certifications, a wealth of experience

that is second to none. Needless to say, up until January 2013, my only employers of 22+ years, NSP & Xcel Energy, were the only entity aware of my age, color, national origin, name change and whistle-blower status as they conducted various background checks for employment reasons. In late June 2013, few months after my dismissal, I entered into a Settlement Agreement with Xcel Energy which included a mutual non-disparaging clause. Since July 2013 and up until now, I have applied to over 3500 positions across the country with over 50 employers in the electric & gas utility industry, including State and Federal regulatory agencies. The majority of my applications were in direct recruitment by electric & gas utilities similar to Xcel Energy. However, about 100 or so of these applications were in response to few headhunters' requests and about 2 dozens went to State & Federal agencies. Most of the utilities receiving over 3300 applications are connected or tied to Xcel Energy through personal, industry, commercial or contractual relationships. Most of Xcel's Board of Directors and Executives, i.e. the Defendants, by their own admissions and Bios are joined to most utilities through industry committees, boards, memberships, meetings such as EEI, EPRI, INPO and NEI. More so, for example, Florida Power & Light (FPL), the recipient of over 330 of my applications for various positions, has a personal connection to Ben Fowke, Xcel's CEO. Fowke had worked at FPL for about 10 years in the 1990's prior to joining NCE. Additionally, Xcel & FPL have over \$500 Mil in contractual and commercial trading activities. Dick Kelly, Xcel's ex-CEO and one of the defendants, was the Chairman of the Board of Directors at Pacific gas & Electric (PG&E) between 2013 and 2019. PG&E is the recipient of over 400 of my applications. As a matter of fact, the commercial, contractual, personal and trading relationships between the Defendants at Xcel Energy and utilities such as FPL, PG&E, Southern Co., Entergy, Duke Energy, Dominion Energy,

Tennessee Valley Authority, Exelon, Great River Energy, Ameren, First Energy, Alliant Energy, Consumers Energy, American Electric Power, Public Service Enterprise Group, Black Hills, Southern California Edison, Sempra Energy, Consolidated Edison, Detroit Edison, Colorado Springs Utilities, Platte River Power Authority, New York Power Authority, Long Island Power Authority, Tampa Electric, Public Service of New Mexico, Arizona Public Service, Texas Utilities, Portland General Electric, Seattle City Light, Sacramento Municipal Utility District, San Diego Gas & Electric, Jacksonville Electric Authority, Orlando Utilities Commission, Austin Energy, PacifiCorp, Puget Sound Energy and Tucson Electric (Paul Bonavia ex-CEO, was an executive at Xcel), worth billions of dollars, are proven and well documented. These 3-dozen or so utilities are the recipient of over 90% of my 3300+ applications.

My first 10 years at NSP, I was employed in positions that provided me the opportunity to enter into many contractual agreement with vendors, suppliers and contractors that generated hundreds of millions of dollars in cost savings to the ratepayers. Most of these savings didn't benefit NSP's shareholders. I accepted the Director position in Denver as it has far reaching analytical mastery in all aspects of Xcel's business: Electric & Gas, Generation, Distribution and Transmission as well as Fuels, Regulatory and Rate-making. My positions over the last 12+ years in Denver were in Risk Management overseeing and "policing" all contractual agreements of many executives for all aspects of the business. Policing and exposing wrong-doing by Xcel Executives, whose principal motive was to enrich themselves and Xcel' Shareholders at the expense of Xcel's ratepayers. As soon as I exposed the fraud in a certain area of the company, my bosses: Dybalski, Fowke, Kelly, Madden, McDaniel, Figoli, Sparby, Pofperl, Larson, Imbler, Wilensky and Bonavia, ensured that the same area is



off-limits to my analytical prowess. It all started in 2000-2001, when I exposed Fowke, Bonavia, Imbler, Fowke, McDaniel, Wilensky and Figoli to the Enron partnership during the California Crisis, my direct boss Dybalski ensured that the commercial trading activities are off-limits to my group. In 2003, I exposed to Xcel's management, the fraud at NRG, Xcel's non-regulated subsidiary, which led to NRG's bankruptcy and a major hit to Xcel's stock. In 2005, as soon as I "corrected" Investors' Relations VP "errors" in the Annual Report, I was never asked again to "review Xcel's financial reports". In 2009, as soon as I exposed the fraud committed by executives in the Resource Planning (RP) area, it became off-limits and the RP group started performing their own review of their own work. Finally, in 2012, when I exposed a \$500 Mil fraud and major safety violations on the Xcel natural gas system, committed by executives at the highest level, I earned myself a position elimination and a "pink slip" to go with it. Since July 2013 and continuing today, the Defendants – Xcel Executives have made discriminatory and retaliatory statements, to other potential employers and headhunters. This constant bombardment, repeated to other executives, meant that after 6 years of substantial effort to gain employment, over 3500 job applications ranging from an entry level engineer at JEA (for which I passed all aptitude tests) to CEO of a Municipality in Kentucky, over 150 interviews: NOT a single job offer!

My case against Xcel Energy Inc. and Xcel Energy Services has all the characteristics of a criminal act committed by Xcel's executives and its Board of Directors. There's motive: Punish a whistleblower for caring more about the ratepayers that entrust him with their physical and financial safety, instead of illegally enriching management and Xcel's shareholders. There's criminal intent to use all discriminatory and retaliatory means to ruin my career, prevent me from supporting and raising my family while "bragging" about their

actions to ensure no other whistle-blower dare raise concerns or question their illegal activities. Xcel's management had the means at their disposal to commit this heinous criminal act without fear of punishment, as a la David vs. Goliath. Xcel's Board of Directors is guilty of negligence for failure to protect employees from discriminatory and retaliatory actions in accordance with Federal laws and their own Code of Conduct as well. Xcel's management, on the other hand, acted criminally fully knowing that I have no choice but to use Xcel as a career reference. After all, at Xcel, I spent 22+ years of my 24+ year career. Xcel's conduct caused the financial, emotional, mental and psychological stress to me, personally, and to innocent by-standers, my family. After earning 5 college degrees and many industry certifications and awards, failure to secure gainful employment makes it extremely hard to raise my 4 kids to be good citizens. Xcel's management, after signing the Settlement Agreement in June 2013, devised a diabolic plan to ensure "I never work in the industry again". They made sure early on, and continues today, to intentionally inflict financial and professional damage. They made good on that promise directly to potential employers and headhunters. The executives in this industry use back-channels for hiring purposes. The crime was committed and there was a "body – my career and financial well-being" along with a long trail of evidence. Furthermore, Xcel's failure to fix the gas delivery system (the catalyst for my dismissal) in Colorado and Minnesota, led to 2 gas explosions in Denver (August 2018) and Saint Paul (November 2018) that left one person dead, many injuries and substantial financial losses to ratepayers involved. As a regulated monopoly, it is not only, essential and imperative, but more importantly compulsory for Xcel Energy Executives and Board of Directors to protect their "captured" ratepayers. Instead, they chose to silence me and expose the ratepayers to financial and physical harm.

*I will summarize the basis and facts of ALL my claims for Discrimination, Retaliation, Negligence, Intentional Inflection, and Tortious Interference in bulleted form:*

- In the preceding 180 days prior to filing the EEOC charge on April 22, 2019, I have applied to 403 positions and was interviewed 24 times. The application process requested and was granted permission to contact Xcel for a reference. All of the interviews inquired about Xcel and the Defendants. One particular headhunter (CGL Global) shared with me a voice recording (Feb. 7, 2019) he left Ben Fowke in reference to 2 jobs I was considered for. I never heard back from the headhunter.
- All of the 24 interviewers showed genuine appreciation for my qualifications and interviewing skills. Once they were granted Xcel and its executives as a reference, I never heard back.
- Since April 22, 2019 and up until October 26, 2019, I have applied to 212 positions. I completed 15 interviews. Xcel was the only employer used for reference. Not a single job offer.
- All of my personal references listed on my resume were never contacted by any potential employer which only infers that they relied solely, at the application or interview stage, on Xcel's executives for reference either directly or through back channels.
- I would like to proceed with circumstantial evidence, for now, as all of my witnesses who had suggested to me that I had been discriminated and retaliated against by Xcel Energy have refused to come forward as they feared retaliation for their jobs, livelihood and pensions.

- I have evidence that Xcel executive and legal have “tampered” with my witnesses, current and ex-employees as well as at least one headhunter. Xcel’s HR and legal have “interviewed”, “harassed”, “intimidated” and “pressured” my witnesses. Immediately thereafter my witnesses decided “not to get involved”.
- Xcel has refused to release my entire personnel file including my titles, performance reviews, regulatory filings bearing my signature and *any* communications with other potential employers. Xcel HR claims that such records do not exist. This is absolutely not true. Xcel is required by 10 CFR20 and the Nuclear Regulatory Commission (Atomic Energy Act of 1954 & Energy Reorganization Act of 1974) to maintain nuclear employment and radiation dose received until the nuclear operating license is terminated. Where are my nuclear employment records? My Xcel nuclear bosses are long retired.
- DTE Energy is the recipient of over 12 applications since April 2019 (EEOC filing) including nuclear positions requiring nuclear certifications. Individuals like myself with nuclear certifications are highly sought after due to major shortage in qualified nuclear applicants. I never received even a phone call. Gerard M. Anderson, DTE’s CEO and Ben Fowke, Xcel’s CEO sit on EEI’s Board since June 2019.
- Duke Energy received 16 of my applications since October 2018. Not a single phone call or even acknowledgement. Lynn Good, Duke’s CEO is EEI’s Chairwoman.
- Ben Fowke and many of Xcel’s exec, the defendants are connected professionally and commercially to most employers receiving the last 615 of my applications.
- Xcel’s Board of Directors is negligent and a complicit agent. Over the past several years, I deplored them, on several occasions, in writing, to exert their will on Xcel’s

management to stop the illegal and criminal acts perpetuated by Xcel's executives, to no avail. Xcel's Board is a guilty of the same crimes as Xcel's executives. As long as management continues, through their fraudulent actions, deliver financial benefits, the Board turned a blind eye.

- I have 5 college degrees, 6 national certifications and was well known and respected in the industry. As a fact, prior to my dismissal, I was never rejected for any job. Every job that I ever applied for was offered, including 4 unsolicited offers, 2 of which by headhunters.
- During my 22+ years at Xcel, I received 43 of 44 performance reviews as "exceeds expectations". The only exception was the last review performed by my supervisors in March of 2013, 2 months after my dismissal.
- I was a valued employee as evident in Xcel's management reliance on my capabilities, as long as I turned a blind eye, or benefited them, or advanced their careers: Fowke, McDaniel, Sparby, Kelly, Madden and Wilensky just to name few.
- Ben Fowke, Xcel's CEO and one of the defendants, "ordered" me to fire an employee, of Moroccan decent, for refusing a direct order to alter electricity market prices. "And make sure the F'er never works in the industry ever again" which I refused. The employee was later fired by Jack Dybalski and to the best of my knowledge, never worked in the US again, he's back in Morocco. This exemplifies Fowke's retaliatory disposition.
- Since leaving Xcel, I have applied to over 3500 jobs and received over 150 interviews which clearly infer substantial effort on my part to find gainful employment and that I am exceptionally qualified.

- For each application submitted up until now, employers requested Xcel references which were all granted.
- Xcel HR unequivocally claims that NOT a single person, headhunter or potential employer ever sought a reference for me. The logic says this is absolutely a lie or it infers that references went through the back channels, far away from the prying eyes of the law.
- Every executive defendant's name came up during the interviews' process. The hiring process always failed as soon as employers sought Xcel as a reference.
- All defendants are connected personally, contractually, commercially and by-committees and industry meetings to most electric and gas utilities. Several of these employers and headhunters have very significant contractual ties, worth billions, to Xcel. This clearly infers back door channels for most positions and the impulse and self-preservation not to antagonize Xcel by hiring me.
- During the first part of 2017, I set out to solicit positions from various large employers by writing directly to many executives in the industry. One company in particular, Sempra Energy responded with very positive letter from their COO. Soon after and until today I have applied to over 40 jobs at Sempra and not a single phone call. During the same period in 2017, Debra Reed, ex-CEO of Sempra and Ben Fowke, Xcel's CEO sat on EPRI and EEI's Boards.
- After over 150 interviews, I never received a single explanation as to why I wasn't hired. If Xcel and these potential employers obeyed Federal employment laws, the why wouldn't these employers give me a reason?

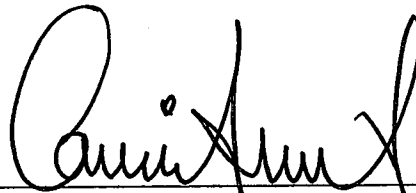
- Multiple attempts to extract my applications and interview notes from ALL potential employers was met with "get a Court Order". Why would law abiding and ethical employer refuse to hand over my own personnel files?
- All of my Xcel witnesses, current and ex-employees, have been "tampered with", coerced and, worse, "threatened" to cut all ties and any communications with me including a relative of mine still employed at Xcel.
- All of my witnesses, including headhunters, Xcel current and ex-employees have refused to speak with me, "we don't want to get involved" and/or referred me to Xcel's legal department. All current and ex-employees fear Xcel management's wrath and retaliation against their livelihood and retirement benefits. These threats go unabated by Xcel's Board.
- My industry HR expert asserts that my interviews' process "broke down" when employers sought Xcel references and given my resume and qualifications, which she believed was the best she's seen in over 25 years, I should have, at least, received over a dozen job offers.
- In addition to the psychological, mental and emotional afflictions as a result of the defendants' causation and actions, I have been ruined, financially. My forensic economic expert estimates my financial downfall due to Xcel's criminal acts to be between \$5 and 10 Mil.

**REQUEST FOR RELIEF**

State briefly and exactly what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

Finding defendants' actions to be a violation of law and awarding plaintiff economic and compensatory damages in accordance with the law in an amount in excess of \$75,000. Awarding the plaintiff punitive damages due to defendants' criminal acts as allowed by law. Granting the plaintiff Equitable Relief to compel the defendants to refrain from unlawful activities and correct the Plaintiff's employment record.

Date: October 29<sup>th</sup>, 2019



Signature of Plaintiff

Mailing Address      46 CHANDLER DR.

SAINT JOHNS, FLORIDA 32259

Telephone Number      423.499.9090 & 720.480.0090